

Notice of Allowability	Application No.	Applicant(s)	
	10/752,702	SHELEMAY ET AL.	
	Examiner	Art Unit	
	Candice C. Stokes	3732	

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address–
 All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Application filed 01/08/04.
 2. ☒ The allowed claim(s) is/are 1-23.
 3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 10/482,995.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>04/25/05;01/08/04</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

The application has been amended as follows:

In the ABSTRACT:

An implant includes an implantable body portion adapted to be at least partially recessed within a patient's alveolar bone, and which has a peripheral surface portion, which is configured to stimulate and/or facilitate the engagement of osteoblasts and other bone tissues with the implant. The implant body provides bone engaging regions along one or more of the distal and/or mesial implant surfaces, which are elongated relative to bone engaging regions on the lingual and/or buccal surfaces of the implant body. In particular, the implantable portion of the implant body includes a bone engaging surface which, when the implant body is fully seated within the patient's jaw bone, extends from a distal portion of the implant body to a remote proximal-most edge. The proximal-most edge has a contour selected to generally follow a predetermined crestal outline of the supporting bone tissue. ~~The bone engaging surface could include an externally threaded portion in which the proximal-most thread patterns are configured to generally follow the surface contour of alveolar and/or lamellated bone, an acid etched, physically abraded or other roughened or textured peripheral surface of the implant body, a porous coated surface which, for example, could consist of titanium, metal or ceramic beads and/or a chemically coated portion. Chemical coatings for use with the bone engaging surface could comprise bioreactive~~

Art Unit: 3732

~~coatings, including coatings formed from hydroxyapatite and other compounds suitable for stimulating bone tissue growth, and which facilitate the anchoring of the implant body by bone tissues following its placement.~~

In the CLAIMS:

(currently amended) 1. A dental implant for use in replacing a missing tooth in a patient's jaw bone comprising, an implant body adapted to be at least partially recessed into a portion of said patient's jaw bone, said implant body extending longitudinally along an axis from a distalmost apex to a proximal end portion,

a ~~coloured~~ colored coronal band portion provided about a peripheral surface of said implant body adjacent said proximal end portion, said ~~coloured~~ colored portion having a ~~colour~~ color which is complementary to a natural gum tissue ~~colour~~ color of said patient, so as not to significantly ~~discolour~~ discolor the gum tissue if ~~seem~~ seen therethrough,

a bone engaging surface provided about at least a portion of said peripheral surface of said implant body, and being spaced from said ~~coloured~~ colored band portion towards said apex said bone engaging surface selected to promote bone tissue ingrowth or attachment thereto and extending longitudinally along said periphery of said implant body to a proximal edge spaced towards said proximal end portion, wherein at least a portion of said proximal edge having a contour selected to generally follow a crestal surface contour of preselected bone tissues.

(currently amended) 8. An implant as claimed in claim 1 wherein said implant body includes a tapered portion, said tapered portion narrowing in diameter towards said apex at an angle of between about 1 and 20 degrees, and said ~~coloured~~ colored band portion comprises a

Art Unit: 3732

coating selected from the group consisting of a gold ~~coloured~~ colored titanium nitride coating, a yellow gold or gold alloy coating and a pink gold or gold alloy coating.

(currently amended) 10. A dental implant as claimed in claim 2 wherein said implant body includes a textured peripheral portion intermediate said bone engaging surface and said ~~coloured~~ colored band portion, said textured peripheral portion selected from a laser abraded surface, an acid etched surface and a mechanically abraded or roughened surface.

(currently amended) 11. A dental implant for use in replacing a missing tooth in a patient's jaw bone comprising,

an implant body portion adapted to be recessed into a portion of said patient's jaw bone, said implant body extending longitudinally along an axis from a distalmost apex to a proximal end portion,

a ~~coloured~~ colored coronal band portion provided about said implant body portion immediately adjacent said proximal end portion, said ~~coloured~~ colored band portion comprising a gold ~~coloured~~ colored plating or coating and extending axially between 0.5 to 2.5 mm along said implant body,

a bone engaging surface spaced distally from said ~~coloured~~ colored band coating towards said apex and providing a peripheral surface of said implant body, said bone engaging surface selected to promote bone tissue ingrowth or attachment thereto and extending longitudinally along said periphery of said implant body to a proximal edge spaced towards said proximal end portion, wherein the proximal edge of the bone engaging surface has a contour selected to generally follow a crestal surface contour of a pre-selected jaw bone adjacent said missing tooth.

Art Unit: 3732

(currently amended) 12. An implant as claimed in claim 11 further comprising a textured implant surface extending about a periphery of said implant body intermediate said bone engaging surface and said ~~coloured~~ colored band surface, said bone engaging surface comprising a porous surface, said textured surface being selected from a chemically etched, a laser abraded and mechanically abraded surface and wherein said ~~coloured~~ colored band portion is selected from a titanium nitride coated portion and a gold or gold alloy coated portion.

(currently amended) 22. A dental implant for use in replacing a natural tooth in a patient's jaw bone comprising,

an implant body extending longitudinally along an axis from a lowermost apex to an upper end portion and including,

an uppermost ~~coloured~~ colored coronal band surface adjacent to said upper end portion and providing a first peripheral surface portion of said implant body said ~~coloured~~ colored band portion comprising a substantially smooth portion having applied thereto a coating selected from a group consisting of a gold-~~coloured~~-colored titanium nitride coating, a yellow gold coating, a yellow gold alloy coating, a pink gold coating, and a pink gold alloy coating,

a bone engaging surface providing a second peripheral surface portion of said implant body adapted to be recessed into said patient's jaw bone, said bone engaging surface selected to promote bone tissue ingrowth or attachment thereto and extending longitudinally along said periphery of said implant body substantially from said apex to an upper edge spaced towards said upper end portion, wherein the upper edge of the bone engaging surface has a contour selected to generally follow a crestal surface contour of healthy bone tissues at a site of implant placement, and

Art Unit: 3732

a textured peripheral portion intermediate said bone engaging surface and said ~~coloured~~ colored band portion, the textured peripheral portion selected from a laser abraded portion, an acid etched portion, and mechanically abraded portion, and an abutment for supporting a prosthesis thereon.

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance: the prior art fails to disclose or reasonably teach a dental implant for use in replacing a missing tooth in a patient's jaw bone comprising, an implant body adapted to be at least partially recessed into a portion of said patient's jaw bone, said implant body extending longitudinally along an axis from a distalmost apex to a proximal end portion, a colored coronal band portion provided about a peripheral surface of said implant body adjacent said proximal end portion, said colored portion having a color which is complementary to a natural gum tissue color of said patient, so as not to significantly discolor the gum tissue if seen therethrough, a bone engaging surface provided about at least a portion of said peripheral surface of said implant body, and being spaced from said colored band portion towards said apex said bone engaging surface selected to promote bone tissue ingrowth or attachment thereto and extending longitudinally along said periphery of said implant body to a proximal edge spaced towards said proximal end portion, wherein at least a portion of said proximal edge having a contour selected to generally follow a crestal surface contour of preselected bone tissues. Specifically, the prior art does not teach the colored coronal band portion. The closest prior art is considered to be Wohrle (USPN 6,174,167) with the teaching of Day et al (USPN 5,876,204), which teaches a band 54 which may be a color band,

Art Unit: 3732

however it is not disclosed as being a coronal band nor being a color a complementary to the gum tissue. Therefore, claims 1-23 have been allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Candice C. Stokes whose telephone number is (571) 272-4714. The examiner can normally be reached on 8:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Shaver can be reached on (571) 272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Candice C. Stokes


Carl E. O'Connor
Primary Examiner